



E6. Occupancy Limits

Land use regulations limit the number of unrelated persons who may occupy a dwelling unit. Use of this tool would raise or eliminate the limit—citywide or in specific areas—so that more people can share and thereby reduce their living costs.

Key Issues:

- Increased or eliminated occupancy limits could greatly increase housing choice and opportunity in Boulder.
- The current code, [9-8-5 Occupancy of Dwelling Units](#), allows up to three unrelated persons in low-density residential districts and up to four in medium-density and high-density districts.
- Two exceptions to the occupancy limits: The cooperative housing ordinance allows an increase over the occupancy limit on a limited and selective basis. There are also a limited number of legal non-conforming units which have occupancies greater than currently allowed in the zone.
- Preliminary outreach found that many residents, particularly in single-family neighborhoods, are concerned that raising the occupancy limit could create more noise, activity, trash, traffic, and parking problems.
- Considering higher occupancy limits for seniors was identified as an “early win” task for Housing Boulder and is currently underway.
- A study/analysis could help to predict demand for people electing to live at higher occupancies than they currently are.
- Removing or significantly increasing occupancy limits could normalize a number of currently illicit rentals and increase legal housing availability.
- Higher occupancy limits could enable new housing models. For example, new student housing tends to default to four bedrooms, yet other unit types could emerge if occupancy limits change.

Background:

Boulder: Current occupancy limits have been in place since 1981. Occupancy limits in Boulder are enforced on a complaint basis.

Elsewhere: Most university towns nationwide have occupancy limits in place; however, a number of Northeast cities have no limits on unrelated roommates.

California Supreme Court held that it was impermissible to have different zoning rules for related individuals than for those unrelated, writing, “In general, zoning ordinances are much less suspect when they focus on the use than when they command inquiry into who are the users.” California cities have been unable to enforce occupancy restrictions. Instead, occupancy limits are determined by size of units, rather than their number of bedrooms.

Implementation Options:

1. Explore revisions of occupancy limits by zone.

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2. Consider establishing a pilot project in a specific site or neighborhood district.
3. Explore eliminating occupancy limits.

Goals Addressed Through this Tool:

Strengthen Our Commitments

Maintain the Middle

✓ **Create Diverse Housing Choices**

Create 15-Minute Neighborhoods

Strengthen Partnerships

✓ **Enable Aging in Place**